

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-17
JEWEL OF ECHO
SEPTEMBER 24, 2020

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a 5 lot residential subdivision. The property will be served by individual septic systems and wells. The property is located on Echo Chalet Drive near Bigfork, MT.

B. Project Personnel

i. Owner/Applicant

Michael and Julie Thompson
255 Echo Chalet Drive
Bigfork, MT 59911

ii. Technical Representative

Eric Mulcahy
Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

406 Engineering
35 8th St E
Kalispell, MT 59901

C. Application Review Dates

1. Land Use Advisory Committee/Council

The Bigfork Land Use Advisory Committee (BLUAC) will conduct a public hearing on the proposed subdivision on September 24, 2020 at 4:00 P.M. at the Bethany Lutheran Church. A recommendation from the BLUAC will be forwarded to the Planning Board and County Commissioners for their consideration.

Update September 24, 2020

On May 28, 2020, the Bigfork Land Use Advisory Council (BLUAC) held a public hearing on the proposal. The BLUAC voted 4-0 to accept the Findings of Fact with an amendment to Finding of Fact #19. They voted 4-0 to approve the Conditions and Project-Specific Conditions. Changes suggested by the BLUAC are highlighted. New language is shown in *italics*. Removed language is shown with a ~~striketrough~~. The changes suggested are as follows:

Finding #19 – The preliminary plat *appears to* include adequate provisions for legal and physical access to the subdivision and all lots within it because the existing private road will provide legal and physical access to the proposed lots

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on October 14, 2020 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to November 30, 2020 which is the end of the 60-working day statutory review period.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is 25.700 gross acres in size and is located on a private road accessed by Echo Chalet Drive north of Bigfork, Montana. The property can legally be described as Tract 2BC, located in Section 08, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject property outlined in red



B. Subdivision Layout Detail

1. Total Subdivision Acreage:	25.700 acres
2. Acreage in Lots:	25.700 acres
3. Acreage in Roads:	2.195 acres
4. Total Park/Common Area/Open Space Acreage:	0.00 acres
5. Minimum Lot Size:	5 acres
6. Maximum Lot Size:	5.700 acres
7. Density:	1 units per 5.14 acres

C. Current Land Use and Zoning

The subject property is currently an undeveloped peninsula located on Echo Lake. The property is zoned SAG-5 and lies within the Bigfork Land Use Advisory area.

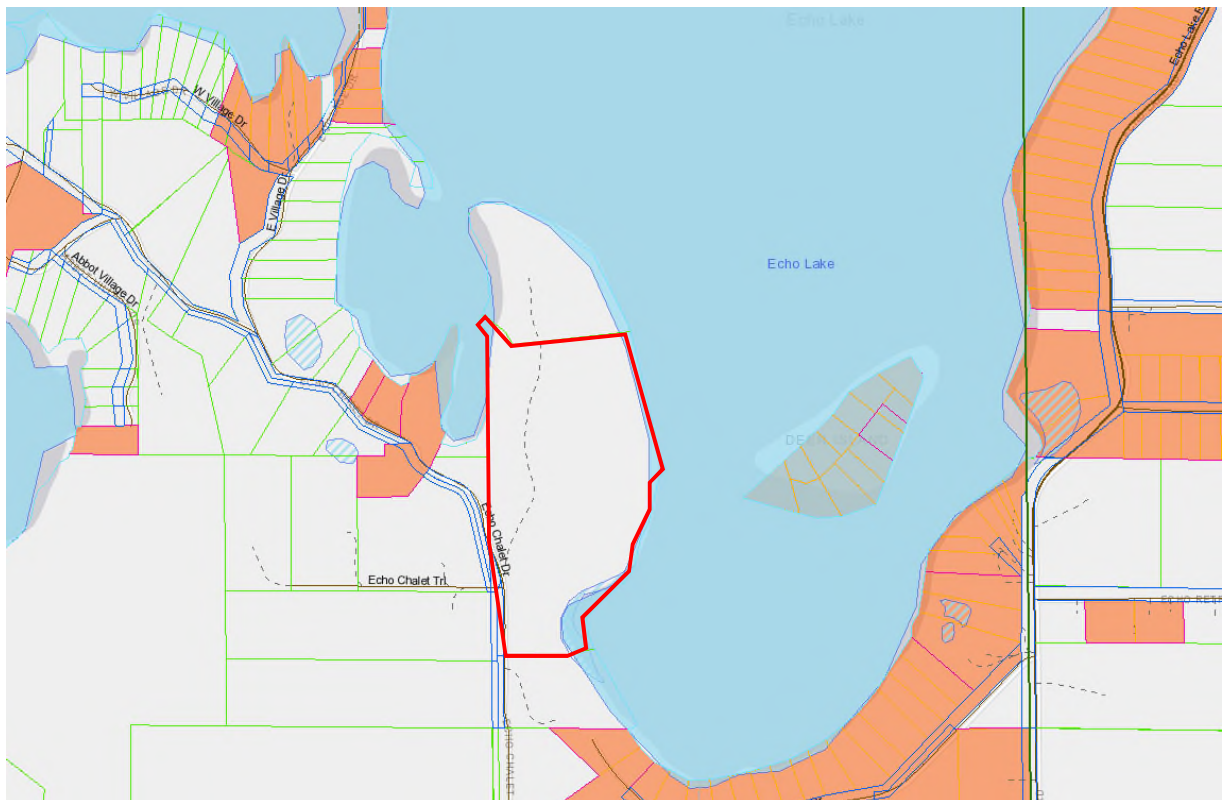
D. Proposed Land Use

The proposed subdivision would create 5 residential lots. The applicant is proposing no open space and will be utilizing an existing private road via Echo Chalet Drive, for access to the proposed lots.

E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Montana Lake Estates (2010)	Residential	5	6.5 acres
Abbot Lake Village of Echo Chalet Village (2003)	Residential	2	1.3 acres
Echo Chalet Village North (2012)	Residential	20	0.4 acres
Echo Chalet Village East (2012)	Residential	12	.676 acres
Echo Chalet Village West (2012)	Residential	7	.5 acres
East Echo Chalet Village No 2 (2013)	Residential	3	1.58 acres
Echo Acres Addition 1 (2012)	Residential	17	.5 acres
South Echo Ridge (1993)	Residential	4	5.4 acres

Figure 3 - Area subdivisions, subject property shown in red



F. Utilities and Services

- | | |
|------------------------------|---|
| 1. Wastewater: | Individual septic systems |
| 2. Water: | Individual wells |
| 3. Solid Waste: | Contract Haul |
| 4. Schools: | Swan River Elementary School District
Bigfork High School District |
| 5. Fire District: | Bigfork Fire District |
| 6. Police: | Flathead County Sheriff |
| 7. Telephone Service: | Century Link |
| 8. Electricity: | Flathead Electric Cooperative |
| 9. Natural Gas: | Northwestern Energy |

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on September 10, 2020:
 - Flathead County Road and Bridge
 - Flathead County Solid Waste
 - Flathead City-County Environmental Health Department
 - Bigfork Fire District
 - Bigfork School District
 - Montana Department of Environmental Quality
 - Montana Fish Wildlife and Parks
 - Flathead County Weeds and Parks Department
 - Bonneville Power Administration
 - Flathead County Sheriff
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property is located 9.95 miles away from the nearest BPA transmission lines or structures.” Email received September 11, 2020
 - Flathead City-County Environmental Health Department
 - Comment: “The proposal is subject to review under Title 76-4, Part 1, MCA. This review will address water supply, wastewater, storm water drainage and solid waste.” Letter dated September 15, 2020

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on September 23, 2020, legal notice was published in the Daily Interlake on September 27, 2020, and notice of the proposal and public hearing was physically posted onsite on September 21, 2020.

As of the date of the completion of this staff report, one public comment has been received from the general public regarding the proposal. Any written comments received following

the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

The soils report indicated that the property is not prime farmland. The property is not currently used for agriculture and according to the Environmental Assessment, “The property at one time was used for some livestock grazing and timber production. It has been many years since either of the activities were pursued.’ Currently the property is used as private open space for the landowner. Most of the nearby agricultural use consists of grass hay and some livestock but mostly on properties of 40 acres or less. Larger agricultural holdings are approximately a mile or more southeast. The immediate neighbors are primarily ranchettes, vacation/2nd home properties and urban scale single family residential.’ The homeowner/applicant has had the property for quite some time. They have had some Firewise thinning done in the past and for the most part, the property is managed.”

It does not appear the proposal for a subdivision with a 5 acre minimum lot size would impact the area for agricultural use. The evaluation of the Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture, which would necessitate special mitigation.

As indicated in the submitted Environmental Assessment, there are no agricultural water works, wells, canals, irrigation ditches or pump houses onsite. The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties.

Finding #1 – The proposal appears to have minimal impact on agriculture and agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any existing irrigation agreements and serves no irrigation water to neighboring properties.

2. Local Services

a. Water and Wastewater Services

The application indicates, “The proposed water system for domestic and irrigation use are individual wells serving each of the lots. Based on average domestic demand of 100 gallons per capita per day (gpd) combined with US census data of about 2.5 persons per home, a total of 1,250 gpd will be used to meet the average daily demand, which equates to 1.40 ac-ft. per year. If an average of 10,000 ft. of

lawn is irrigated for each single-family lot, it is estimated 2.87 ac-ft. of irrigation water is needed for the 5 lots annually.’

“After initial conversations with MT DNRC, it does not appear that a water right will be required for the proposed subdivision. However, if it is determined that the domestic and irrigation demand for the subdivision could exceed 35 gallons per minute or 10 ac-ft. per year, the applicant may eventually need to secure a water right for the proposed subdivision from the DNRC.’ 406 Engineering collected available well logs [...]. The well depths all exceed minimum construction depths and DEQ and Montana Administrative Rules require well drilling companies to drill all new wells to meet state standards for construction criteria. A water sample of a nearby well showed adequate water quality. The surrounding well logs show ample water quantity with yields exceeding 20 gpm.”

Concerning how sewage disposal will be handled according to the EA, “The Jewel of Echo development proposes the use of individual septic systems for treatment of wastewater. Each lot has been tested for soils and groundwater. [...] All lots will be utilizing Septic Net Drain field systems.”

Comments from the Environmental Health office state, “The proposal is subject to review under Title 76-4, Part 1, MCA. This review will address water supply, wastewater, storm water drainage and solid waste.”

The impacts to existing water and wastewater services are anticipated to be minimal because the subdivision will utilize individual wells and septic.

Finding #2 – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize individual wells and individual septic systems, which will require review through the Flathead City-County Environmental Health Department and Montana DEQ as applicable.

b. Solid Waste Disposal

According to the EA, “The subdivision will use a contract hauler for refuse collection and hauling. The landfill is located along U.S. Highway 93, 30 road miles northwest of the subject property.”

Finding # 3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

c. Roads

The subdivision is accessed from Echo Chalet Drive. Echo Chalet Drive is a 15 foot wide paved private road, which has numerous pull-offs along the roadway. Echo Chalet Drive is within a 30-foot easement. No lots will have direct access to Echo Chalet Drive; instead, lots will all access the existing private road. Traffic counts for Echo Chalet Drive are not available. Staff calculates the average daily trips to be 50, after full build-out, based on the number of houses (5) that will utilize the roads.

The applicant has requested a variance to roadway improvement requirements for the access road, which will be discussed below. If the variance is not approved the developer would be required to widen the paved area on the access road.

Finding #4 – Impacts on area roads would appear to be acceptable because the Flathead County Road and Bridge Department have no concerns due to the fact it's a private road, the proposal has the potential to increase traffic by 50 trips per day on Echo Chalet Drive and if the variance is approved widening the primary access road to county standards would not be required.

d. Schools

The proposal is located in the Swan River Elementary and Bigfork High School Districts. According to the recent Census Data, there are 46,963 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2019 states there are 14,753 students enrolled in public, private and home schools. The total students (14,753) divided by the total households (46,963) equals approximately 0.31 students per household. Therefore, 5 lots could generate approximately 2 school age children.

The Swan River Elementary School District has seen an increase of 33% in the last ten years and 3.3% increase over the previous school year. The Bigfork High School District has seen a 26% increase in the last ten years and 2.6% increase over the last year. The school districts did not provide comments regarding this proposal.

e. Mail Delivery

The application states the mailboxes will be central delivery. The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

f. Recreation

Pursuant to Section 4.7.24(a)(i) FCSR, parkland dedication is not required for subdivisions lots created that are greater than 5 gross acres in size. All the lots within the subdivision are over 5 gross acres. With lots 5 acres in size there is plenty of room for recreation on the property owners own land. Since all the properties have direct lake access, activities such as fishing, boating, swimming, ice-skating, ice fishing and cross-country skiing can occur on these properties.

Finding #5 – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately two school age children, the applicant is proposing central mailboxes, and there is adequate space for recreational activities.

3. Public Health And Safety

a. Storm Water Drainage

The submitted application includes a conceptual plan for the management of storm water on all lots. The Environmental Assessment states, "Runoff water from the paved road in the Jewel of Echo Subdivision will flow to roadside vegetated ditches with gently graded 9:1 side slopes to facilitate maintenance by the adjacent homeowners. No culverts will be needed as storm water will discharge onto either side of the road and if the ditch overflows, it will do so towards the opposite side of the road as the topography falls away from the road on each side. Individual retention ponds are located on each lot to retain the storm water runoff associated from the impervious areas on each proposed lot. Flows will then be conveyed to an on-site individual lot location where flows will be retained to manage peak flows

and volumes. The Storm water Drainage Plan indicates that storm water runoff rates and volumes will be more than that of the historical peak flow rates and volume. No runoff water from new impervious or newly graded and vegetated surfaces will be discharged offsite at rates greater than the pre-developed rates.”

“Other areas of the subdivision will flow to the on-site individual retention facilities which are placed below the houses of the subdivision. Flows will be retained, eliminating any increase in peak flow rates and allowing for volume control of other areas.”

According to the soils report, the soil types located on the subject property are not subject to ponding or flooding and are well drained. Comments from Environmental Health state, “This proposal requires review under Sanitation in Subdivisions and is subject to review under Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm water drainage, and solid waste disposal.”

Finding #6 - Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces will be accommodated via retention facilities and the proposed storm water management plan will require review and approval through the Flathead City-County Environmental Health Department and Montana Department of Environmental Quality.

b. Fire/Emergency Medical Services

The proposed subdivision is located within the Bigfork Fire District. The Echo Lake Fire Hall Substation is approximately one road mile away, located on Echo Lake Road. Because of the proximity to the proposed subdivision, the anticipated response time would be minimal. It is not anticipated the proposed subdivision would overburden the district as the site is within an acceptable distance to the fire station with access to each site.

The Bigfork Volunteer Fire Department that has its main station approximately six miles south in downtown Bigfork, provides ambulance service. ALERT services are provided by Kalispell Regional Medical Center.

c. Police Services

The property is located outside city limits and will be served by the Flathead County Sheriff. The Sheriff’s Department did not respond to a request for comments. Given existing staffing, the size of the County and the dispersed nature of the population, police services to this subdivision are anticipated to be consistent with other areas of Flathead County.

Finding #7– Impacts on fire, medical and police services would be minimal with standard conditions because the Bigfork Fire District and the Flathead County Sheriff’s Department in the event of an emergency would serve the lots within the proposed subdivision within an acceptable response time.

d. Impact of Noise

It is estimated that the development of the subdivision would generate noise during construction of the subdivision and minimal noise during development of the lots. No noise beyond what is typical for a residential area is anticipated because of the

proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

e. Air Quality

The internal subdivision road will be constructed and paved to County Standards. Echo Chalet Drive is currently paved. Any dust generated by the development would be typical of a residential development. The applicant has submitted a “Dust Control Plan” compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #8 – Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as the road accessing the subdivision is already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.

f. High Voltage Electric Lines/High Pressure Gas Lines

There are no high-pressure gas lines or high voltage electrical lines on the subject property. BPA comment states, “At this time, BPA does not object to this request, as the property is located 9.95 miles away from the nearest BPA transmission lines or structures.”

g. Airport Influence Areas

The subject property is not within an airport influence area.

Finding #9 – The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these hazards.

4. Natural Environment

a. Soils

According to NRCS soils data, the soils on the property are comprised of three classifications: Blanchard loamy fine sand, 0 to 3% slopes (Bn), Blanchard loamy fine sand, 7 to 20% slopes (Bp), and Blanchard loamy fine sand, 20 to 45% slopes (Br). Bn makes up approximately 22.7% of the property and is classified ‘not prime farmland.’ Bp covers approximately 12.2% of the property and Bn covers approximately 64.3% of the property and both are classified as ‘not prime farmland.’ All three soils are not subject to ponding or flooding and are excessively drained.

b. Geologic/Avalanche Hazards

The subject property is located in an area of gently rolling peninsula. The EA states, “There are some isolated areas along the lakeshore of lots 2-4 that approach 40%. To protect the lake, lakeshore and future landowners, these areas are designated no-build areas on the plat. The limitation would not preclude landscape features, walkways and dock provided they comply with the County’s Lakeshore Regulations. The subdivision is not located in an area of the county considered prone to rockslides, mudslides or avalanche hazards.

Finding #10 – No impacts from soils, geological and avalanche hazards are anticipated because the property is gently rolling and is well drained, there will be designated no-build zones identified on the plat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.

c. Flora

The property is a mix of grassland and forestlands. All of the lots with the exception of Lot 1 have large open grass areas. There is shoreline vegetation, primarily shrubs but also spruce, alder and cottonwood.

Pursuant to Section 4.7.25 FCSR the subdivision will be required to develop and implement a weed control plan approved by the Flathead County Weeds Department prior to final plat approval.

d. Riparian/Wetland Areas

Although the majority of the subject property is surrounded by Echo Lake, it does not contain any surface waters or wetlands. The EA states, “There is a tiny ribbon of floodplain around the lake but there is no Base Flood Elevation to define the floodplain. The majority of the lake frontage is fairly abrupt making lake fluctuations a non-factor to any proposed building sites.” A very small portion of the subject property is located within the 100-year floodplain, which will be conditioned as a “No Build Zone.” It therefore appears that the riparian areas onsite will be preserved and not impacted by the proposed development.

Finding #11 – Minimal impacts to the riparian areas are anticipated as only a small portion of the property contains riparian areas, these areas will be protected by a “No Build Zone” encompassing the 100-year Floodplain, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

e. Floodplain

The subject property contains a small sliver of 100-year floodplain, which is depicted on the preliminary plat. According to FEMA FIRM Panel 30029C2310J, the subject property is mapped as mostly unshaded Zone X and approximate Zone A. Unshaded Zone X is defined as areas outside of the 0.2% annual chance flood hazard area. Zone A is defined as an area subject to inundation by the 1% annual flood chance and no Base Flood Elevation or depths are shown.

Finding #12 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the areas delineated as 100 year floodplain comprise a minimal portion of the lot and will be designated as no-build zones on the final plat which will minimize future impact on public health and safety of the subdivision.

5. Wildlife and Wildlife Habitat

Given the location of the subject property adjacent to Echo Lake, some level of impact to wildlife is expected as a result of the proposed subdivision. A search conducted by the Montana Natural Heritage Program identified this general area of the County may be frequented by five animal species of concern and two plant species of concern; these species exist within the boundaries of Township 27 N, Range 19 W. The species of

concern are Grizzly Bear, Great Blue Heron, Bald Eagle, Cassin's Finch, Fisher, Giant Helleborine and Kalm's Lobelia

The EA states, "The heron and eagle are attracted to the lake because of the prey offered. The proposed subdivision does not contain any nesting sites for these two species. The Finch is said to occupy cottonwood and ponderosa, lodgepole, and grassland of which there are all these habitats on the property as well as neighboring properties. The Fisher is part of the weasel family prefer dense forest. There are no dense forests on this property but there are such habitats approximately two miles east. The grizzly bear is a species that moves through this area in search for food but does not stay in these areas due to the presence of significant concentration of humans. The plant species is suited for the Echo Lake area, as it prefers saturated calcareous soil of warm seeps and springs where the ground does not freeze hard. Although Echo Lake has a number of these habitats, the subject property is more upland habitat and does not contain any seeps or springs. The large nature of the subdivision should limit any impact species listed in the summary as these large lots are typically only developed around the house and the remainder of the property is left in its native state provided

Finding #13 – The proposed subdivision is anticipated to have a minimal impact on wildlife and wildlife habitat because the subdivision will be low-density residential, wetland areas would be designated as a 'No Build Zone' on the final plat, and the Montana Department of Fish, Wildlife & Parks provided no comment regarding the proposal.

6. Historical Features

The applicant contacted the State Historical Preservation Office (SHPO), which has no record of any historical or culturally significant use on the subject property. There does not appear to be any historic, archeological, or cultural sites on the subject property.

Finding #14 – The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #15 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

The application includes a request for a variance from Section 4.7.17(f) of the Flathead County Subdivision Regulations which states, "*For a subdivision which will contribute 50 or less average vehicle trips (ADT) per day to the County road system and where the primary access to the subdivision is an existing unpaved road (either public or private), the Commission shall require the subdivider to improve and pave a portion of the road. i. The distance of required paving and the extent of required improvements shall be determined per the methodology of the 'standard improvement formula'(see section i below); or ii. The distance of required paving and the extent of*

required improvements shall maintain the identified existing Level of Service (LOS) as determined by a Traffic Impact Study (TIS) conforming to the requirements of section j below. The TIS shall be completed by a licensed professional engineer and submitted with the preliminary plat application. The subdivider shall be required to make transportation improvements recommended in the Traffic Impact Study to maintain the identified existing Level of Service (LOS) and which are directly attributable to the proposed subdivision.”

Echo Chalet Drive is a paved private road within a 30-foot easement, the width is approximately 15 feet and there are numerous turnouts alongside the paved roadway.

Subject to compliance with FCSR Section 4.0.11, the Commission shall not approve a variance unless it finds that all of the following are met:

i. The variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;

The applicant states, “Echo Chalet Drive is a private road that is substandard for easement width as well as paved width. The easement width is only 30 feet from McCaffrey Road north for ¼ mile. Echo Chalet Drive provides access to 75-80 parcels/homes although many of them are second homes. Echo Chalet has an informal road maintenance agreement where a number of the neighbors including the subdivision applicant contribute to the short and long term maintenance of Echo Chalet Drive. Echo Chalet has numerous turnouts where a person can pull over to let on-coming traffic pass and this road has functioned this way for decades. The proposed variance will not create or exacerbate health and safety concerns along Echo Chalet Drive. The Fire Chief for Bigfork commented on the proposed subdivision and stated that the District has the Echo Lake Substation near-by and that the District can handle the increased lots. The Fire Chief stated that access is good to the subdivision and in the subdivision, the new road will meet full County Standards for width and paving.”

“Should we have to expand the paving portion of Echo Chalet Drive we would use the Standard Improvements Formula as follows:

There are no traffic numbers for Echo Chalet Drive so we would have to assume 10 vehicle trips per day for approximately 75 homes (750 vehicle trips).

The length of Echo Chalet Drive to the entrance of Jewel of Echo is approximately 2,000 feet.

The five lot subdivision will produce 50 vehicle trips.

$50 / (50 + 750) = 6\%$ of the roadway. $6\% \times 2,000 \text{ ft} = 120 \text{ feet}$ of additional pavement.

If the applicant has to widen 150 feet of Echo Chalet Road by 7 feet, would it really address public health and safety along this private road?”

There would likely be minimal impacts to public health, safety, and general welfare as a result because the road is already paved, has turnouts along the way and would have a low traffic volume.

- ii. Because of the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed;**

The hardship according to the applicant is, "As stated previously, Echo Chalet Drive sits within a 30-foot easement for its first ¼ mile. There 30 foot strip of land to the west of the easement but one would have to acquire the property from that owner to develop any type of road on it as there is no easement over this strip of land. To add pavement on the east side of the road one would have to remove some trees, which neighboring property owners would dislike. "

Echo Chalet Drive is within a 30-foot easement for a ¼ mile. The property is located in a suburban neighborhood on a paved private road. The road would only accommodate local traffic, which contributes to the low traffic volumes on the road.

- iii. The variance will not cause a substantial increase in public costs, now or in the future;**

The proposed variance is not likely to increase public costs now or in the future, because it is not likely the public will ever own or maintain Echo Chalet Drive. In addition, the County's policy is not to accept any new roads to the County Road network.

- iv. The variance will not place the subdivision in nonconformance with any adopted growth policy, neighborhood plan or zoning regulations;**

The proposed subdivision complies with the County Growth Policy, the Bigfork Neighborhood Plan and the Flathead County Zoning Regulations for SAG-5. The Growth Policy discusses transportation in Chapter 6 and specifically addresses road improvement in policies 24.2 and 24.3. Those policies state, "*P.24.2 Require County road improvements to mitigate impacts directly attributable to a subdivision or development as a necessary component of that development to preserve the carrying capacity of the roadway.*

"P.24.3 Require development projects to design road systems that complement planned land uses and maintain mobility on arterial roads and highways."

The other criteria for the variance will determine if the development will negatively impact the roadway if no improvements are completed on the private road.

- v. The variance is consistent with the surrounding community character of the area.**

According to the applicant, "The Echo Lake area is full of gravel roads and narrow drives around the Lake. Echo Chalet Drive provides access to close to 80 homes many of which have been in existence for decades. The existing condition of Echo Chalet Drive is the character of this neighborhood."

The variance is partially consistent with the surrounding community character of the area because it is located in a suburban neighborhood area and the proposed subdivision would only add 50 additional vehicle trips to the road system. Many

of the roads in the Echo Lake area that serve a similar number of lots and homes are narrow and not paved at all.

Finding #16 –The variance requested by the applicant generally meets the variance criteria because there would be minimal impacts to public health, safety, and general welfare, the property is located in a suburban neighborhood setting, are privately maintained and it would be consistent with the surrounding community character.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

July 15, 2020

ii. Application Deadline Date (6 months from pre-application)

January 11, 2021

iii. Application Submittal Date

August 4, 2020

iv. Completeness Date

August 10, 2020

v. Sufficiency Date

August 31, 2020

vi. Agency Referral Requests Mailing Date

September 10, 2020

vii. Adjacent Property Notification Mailing Date

September 23, 2020

viii. Legal Notice Publication Date

September 27, 2020

ix. On-site Posting of Public Hearing Date

September 21, 2020

Finding #17 – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

Finding #18 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

As shown on the preliminary plat, primary access to the lots within the subdivision would be from an existing private road. As previously stated, Echo Chalet Drive is within a 30 foot easement for the first ¼ mile. The applicant has provided documentation regarding an easement and road user agreement for the road.

Finding #19 – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because the existing private road will provide legal and physical access to the proposed lots.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The proposed subdivision is located within the Bigfork Neighborhood Plan area.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of M.C.A. 76-1-601, and was adopted on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy (M.C.A.76-1-606). This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

The proposed subdivision complies with the current SAG-5 zoning because the proposed lots are a minimum of 5 gross acres.

Finding #20 – The proposal generally complies with applicable plans because the property complies with zoning, is located in the Bigfork Neighborhood Plan area and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

V. SUMMARY OF FINDINGS

1. The proposal appears to have minimal impact on agriculture and agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any existing irrigation agreements and serves no irrigation water to neighboring properties.
2. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize individual wells and individual septic systems, which will require review through the Flathead City-County Environmental Health Department and Montana DEQ as applicable.
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.
4. Impacts on area roads would appear to be acceptable because the Flathead County Road and Bridge Department have no concerns due to the fact it's a private road, the proposal has the potential to increase traffic by 50 trips per day on Echo Chalet Drive and if the variance is approved widening the primary access road to county standards would not be required.
5. Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add approximately two school age

children, the applicant is proposing central mailboxes, and there is adequate space for recreational activities.

6. Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces will be accommodated via retention facilities and the proposed storm water management plan will require review and approval through the Flathead City-County Environmental Health Department and Montana Department of Environmental Quality.
7. Impacts on fire, medical and police services would be minimal with standard conditions because the Bigfork Fire District and the Flathead County Sheriff's Department in the event of an emergency would serve the lots within the proposed subdivision within an acceptable response time.
8. Adverse impacts to air quality and of noise are anticipated to be acceptable with standard conditions as the road accessing the subdivision is already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.
9. The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these hazards.
10. No impacts from soils, geological and avalanche hazards are anticipated because the property is gently rolling and is well drained, there will be designated no-build zones identified on the plat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.
11. Minimal impacts to the riparian areas are anticipated as only a small portion of the property contains riparian areas, these areas will be protected by a "No Build Zone" encompassing the 100-year Floodplain, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.
12. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the areas delineated as 100 year floodplain comprise a minimal portion of the lot and will be designated as no-build zones on the final plat which will minimize future impact on public health and safety of the subdivision..
13. The proposed subdivision is anticipated to have a minimal impact on wildlife and wildlife habitat because the subdivision will be low-density residential, wetland areas would be designated as a 'No Build Zone' on the final plat, and the Montana Department of Fish, Wildlife & Parks provided no comment regarding the proposal.
14. The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.
15. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
16. The variance requested by the applicant generally meets the variance criteria because there would be minimal impacts to public health, safety, and general welfare, the property is

located in a suburban neighborhood setting, are privately maintained and it would be consistent with the surrounding community character.

17. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.
18. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
19. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because the existing private road will provide legal and physical access to the proposed lots.
20. The proposal generally complies with applicable plans because the property complies with zoning, is located in the Bigfork Neighborhood Plan area and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

VI. CONCLUSION

In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the preliminary plat application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria, pursuant to the Findings of Fact. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, Findings of Fact and Conditions of Approval attached should be adopted.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR]
4. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her

- pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
 6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR]
 7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR]
 8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR]
 9. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
 10. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
 - Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR and FOF 3]

- Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR]
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
 13. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
 14. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
 15. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
 16. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable.
19. Prior to final plat approval the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR]
20. The boundaries of the wetland shown on the preliminary plat shall be labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.10 FCSR and FOF 13, 14]
21. Unless a variance is granted, the developer shall pave 120 feet of Echo Chalet Drive, which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR]

Planner: LM